

REMARKS

Claims 1, 3, 4, 6-8, 10, 11, 14, 15, 17, 18, 24, and 25 are pending in this application. Claims 1, 3, 4, 6-8, 10, 11, 14, 15, 17, 18, 24, and 25 are rejected. By the present amendment, claims 4 and 15 are amended; claims 1, 3, 10, 11, 14, 17, 18, 24, and 25 are hereby canceled without prejudice or disclaimer; and new claims 26 and 27 are hereby added. Support for the amendments and new claims are found in paragraphs 63-67, 74, 75, and 113-117 of the application. Accordingly, the amendments and new claims add no new matter.

In view of the above-described amendments and following remarks, reconsideration of claims 4, 6-8, and 15 and consideration of new claims 26 and 27 are hereby requested.

CLAIM OBJECTIONS

Claims 3, 15, 17, and 25 are objected to. Claims 3, 17, and 25 are hereby canceled rendering the objection to these claims moot. Claim 15 has been amended to depend from claim 4 rather than previously canceled claim 11. Applicants submit that the amendment overcomes the objection.

CLAIM REJECTIONS-35 USC § 112 SCOPE OF ENABLEMENT

Claims 1, 3, 4, 6-8, 10, 11, 14, 15, 17, 18, 24, and 25 are rejected under 35 USC §112, first paragraph "because the specification fails to provide enablement for the full scope of the claimed invention." (See page 3 of the Final Office Action.)

Claims 1, 3, 10, 11, 14, 17, 18, 24, and 25 are hereby canceled rendering rejection of these claims moot. Claim 4, which is directed to a method of inducing apoptosis of prostate cancer cells or breast cancer cells in a tumor in a subject, has been amended to recite that the nucleic acid is in a viral vector and is delivered to these cells by intratumoral injection. Since claim 4 is not directed at a method of preventing metastasis of these cancer cells, and since applicants have clearly shown that a method which employs intratumoral injection of a KChAP nucleic acid that has been incorporated into a viral expression vector works, i.e., induces apoptosis of such cells, (See Example 2, paragraphs 113-116 of the instant application), Applicants submit that the method recited in claim 4, as amended, meets the enablement requirement of 35 USC §112, first paragraph. Claims 6-8, 15, and new claims 26 and 27 depend

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from claim 4, and for the same reasons, also meet the enablement requirement of 35 USC §112, first paragraph.

Applicants submit that claims 4, 6-8, 15, as amended, and new claims 26 and 27 are now in condition for allowance. Prompt notice of such allowance is respectfully requested. If the Examiner has any questions regarding the claims, he is encouraged to contact the undersigned at the phone number listed below.

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Respectfully submitted,

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